

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 300  
Title 14, California Code of Regulations  
Re: Upland Game Birds

- I. Date of Initial Statement of Reasons: April 8, 2003
- II. Date of Pre-adoption Statement of Reasons: June 23, 2003
- III. Date of Final Statement of Reasons: August 6, 2003
- IV. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: May 8, 2003  
Location: Riverside, California
  - (b) Discussion Hearing Date: June 20, 2003  
Location: Mammoth Lakes, California
  - (c) Adoption Hearing: Date: August 2, 2003  
Location: Long Beach, California
- V. Update:

Permit Numbers for Sage Grouse

No changes were made to the originally proposed language of the Pre-Adoption Statement.
- VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those considerations:

Responses to public comments received were included in the Pre-adoption Statement of Reasons (see attached). No other public comments, written or oral, were received during the public comment period.
- VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:  
California Fish and Game Commission  
1416 Ninth Street

Sacramento, California 95814

VIII. Location of Department files:

Department of Fish and Game  
1416 Ninth Street  
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

Permit Ranges for Sage Grouse

An alternative would be to adjust the season length for sage grouse, rather than adjust the number of permits issued. The Department has considered this alternative and found it to be inadequate because it would not allow the harvest to be adjusted significantly according to spring population surveys. The current season is only two days, and therefore does not give adequate latitude for lowering harvest.

(b) No change Alternative:

Permit Ranges for Sage Grouse

The no change alternative was considered and found to be inadequate because it would not allow the Department to adjust the number of permits based on the status of the population, which could result in over harvest or unnecessary reduction of hunting opportunity.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting

Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The nature of these regulatory changes is directed at wise stewardship and would have no significant adverse effects on businesses.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None
- (c) Cost Impacts on a Representative Private Person or Business:  
  
The agency is not aware of any cost impacts that a representative private person of business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None
- (h) Effect on Housing Costs: None

## UPDATED INFORMATIVE DIGEST (Plain English Overview)

Existing regulations [Section 300(a)(1)(D)4.] allow 100 two bird permits for the East Lassen Zone, 40 two bird permits for the Central Lassen Zone, 25 one bird permits for the North Mono Zone, and 25 one birds permits for the South Mono and Inyo Zone. Under the current regulatory cycle, the first Fish and Game Commission notice hearing date for sage grouse regulation changes occurred in May. However, the final sage grouse population survey results necessary for setting hunting quotas are not available until June. The Department proposed a range of maximum and minimum hunting permit numbers to the Commission, with the provision that the actual number of permits recommended for each hunt will be based on the April strutting surveys. The originally proposed ranges are 10 to 375 permits for the East Lassen Zone, 10 to 100 permits for the Central Lassen Zone, 10 to 100 permits for the North Mono Zone, and 10 to 100 permits for the South Mono and Inyo Zone. **The final permit quotas were determined following spring lek counts of sage grouse within each hunt zone. Recommended permit quotas are as follows: East Lassen Zone, 100; Central Lassen Zone, 40; North Mono Zone, 10; and South Mono and Inyo Zone, 25.**

State of California  
The Resources Agency  
DEPARTMENT OF FISH AND GAME

Responses to Public Recommendations for Changes in the  
2003-04 Resident Upland Game Bird Hunting Regulations Received by the  
Fish and Game Commission

**Section 300(b) - Migratory Upland Game Birds**

Description of Proposed Action by Public:

Establish a separate snipe hunt in North-Eastern California with an earlier season. Increase the bag limit in this zone from 8 per day to 10.

Proposal Source:

Bruce Hulbert, Redding, California  
February 7, 2003

Recommendation

Reject

Analysis

It is questionable whether further complicating hunting regulations with separate snipe zones is reasonable, considering the very small number of people who hunt snipe in North-Eastern California. In addition, some Department biologist believes that the proposed change to an earlier season would lead to undue disturbance to waterfowl by snipe hunters. Regarding the proposed change in bag limit the federal framework limits the daily bag to 8, which is the current regulation.

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**Section 300(b) - Migratory Upland Game Birds**

Description of Proposed Action by Public:

Extend crow season to year round, and change the daily bag limit to no limit to help offset the nuisance caused by crows to the residents of Yuba City.

Proposal Source:

Bob Barkhouse, City Councilman, Yuba City, California  
March 14, 2002

Recommendation

Reject

Analysis

The Department recommends rejecting this proposal because the hunting season is currently the longest allowed by the federal framework, established by the United States Fish and Wildlife Service. Additionally, hunting crows in California has declined in popularity over the last 20 years and current statewide yearly harvest estimates and hunter numbers are relatively low, averaging 40,000 and 3,100 respectively, with a 124 day season and 24 bird daily limit. Similarly, season bag per hunter and daily average per hunter are respectively low, averaging 14 and 2 respectively, suggesting that the current season length and bag limit are not constraining harvest. Therefore, it is unlikely that the removal of bag limits and changes in season length would control and lower crow populations around Yuba City. Changing the bag limit from 24 per day to no limit may also bring with it negative public perception and misunderstanding.